INTERVIEW SUMMARY

A telephonic Interview was held on November 7, 2007 in which the Examiner and counsel discussed the pending 35 U.S.C. §103(a) rejection with respect to Hitchcock/Bernardo. Counsel for the Applicant forwarded arguments generally directed to 1 including distinguishing the timing of the form creation in Hitchock. A tentative agreement to send a proposed an amendment clarifying some of the outstanding issue was discussed.

REMARKS

Claims 1-5, 7-10, 12, 14-27, 29, 30, 34-37 are pending.

§ 35 U.S.C. § 103(a) Rejection

Claims 1-5, 7-10, 12, 14-27, 29, 30, 34-37 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,345,278 to Hitchcock et al. (hereinafter "Hitchcock") in view of U.S. Patent No. 6,684,369 to Bernardo et al. (hereinafter "Bernardo"). The Applicant respectfully disagrees.

The rejection of **Independent Claim 1** under 35 U.S.C. § 103(a) is improper and should be removed for at least the following reasons. Independent Claim 1, in part, recites:

- "receiving an indication of a desired form to be generated for data input;

- automatically identifying one or more data input fields to be included on the desired form, the automatically identifying including:

- identifying one or more interactions associated with a business logic, wherein the business logic processes requests subsequently submitted via form resulting from the desired form, wherein each interaction is associated with a request and includes one or more command definitions to process the request submitted via the form resulting from the desired form; and

  identifying, in the one or more interactions, one or more attributes that are not obtained by the one or more interactions elsewhere; and

- generating, after automatically identifying the one or more data input fields, a form definition including the automatically identified one or more data input fields."

First, in order for a combination to be proper under 35 U.S.C. § 103(a), a motivation to combine the references must exist. The Supreme Court's recent decision in *the KSR case* clearly notes that the Office is obligated to provide a rationale why one of ordinary skill in the art would make the asserted combination. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR International Co. v. Teleflex*, 550 U.S. __, 04-1350, 1 14 (2007).

The Office has failed to provide a rationale in the present case which would cause a person of ordinary skill in the art to combine the references. While the Office contended that the Hitchcock/Bernardo combination would relieve website

creators from having to use HTML or another programming language to create a website, this contention is misplaced as the there has been no showing that this proffered motivation solves any problem associated with the references or evidences an appropriate person of ordinary skill in the art. The Office's contention is misplaced as the problem to be solved in Hitchcock is how to share data which is entered in one form with another form, e.g., promulgating data, (albeit in an on-line environment), while Bernardo is directed to a set of tools for simplifying creation of a website. The Office's asserted motivation is not proper because in Hitchcock the form is in existence, that is to say, while the form is not yet promulgated with the data from another college admission form (and ready for "print-off") the forming being promulgated is in existence and is being "filled-out". The form must exist or else a system attempting to implement the Hitchcock disclosure would not "know" what data to share between the on-line forms. In contrast, Bernardo is dealing with creation of a website, a tabula rasa, or blank slate, such as for creating a website from scratch. The Office's contented motivation fails to address why one reading Hitchcock would even want to look to Bernardo as Bernardo is at cross purposes with Hitchcock. This is to say, if Hitchcock is directed to filling in college applications on-line, the Office has failed to elaborate why one reading Hitchcock (and having the form "in-hand") would want to look to a template system for creating a website to arrive at the present disclosure. It appears as if the Office's rationale is attempting to piecemeal together the references to obtain the presently recited subject matter as the

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"eliminating the need for a website creator to know or use HTML" (proffered by the Office) is derived from the Bernardo reference and does not evidence a link between Bernardo's website creation tools and "filling-in" data on forms.

If, for the sake of argument, only, we presume that a motivation to combine exists, the current combination fails to teach or suggest every feature as recited in the claim. The Office's position relies on Hitchcock for the teaching of "receiving an indication of a desired form to be generated for data input". Pending Office Action, P. 9, first paragraph of item 8. As discussed in previous Responses, Hitchcock fails to disclose this teaching because Hitchcock discloses "filling-out" or populating a form which is in existence or is known rather that for a "form to be generated" (e.g., a form which is to be generated rather than being "just" filled-out". This interpretation is correct because if the Hitchcock forms were not in existence, the Hitchcock system/method would not "know" if the input data met the criteria specified by the form. In Hitchcock, for example, in order to "know" that an applicant has entered an invalid grade point average, the form has to be in existence and the criteria of a value of up to or including 4.0 is valid. The Office's contention that Hitchcock discloses a method including "of a desired form to be generated" is an incorrect reading of Hitchcock as the form is already created (by the college to which the student is applying) and is just being filled-in with data from the applicant attribute database. Hitchcock, abstract and Hitchcock, Col. 8 line 60 through Col. 9. The secondary reference, Bernardo, is not cited as correcting this deficiency in Hitchcock.

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The Office's contention with respect to Bernardo seems to indicate that the Office is "piecemealing" the Hitchcock/Bernardo references together in order to arrive at the presently recited subject matter. For example, while the Office points to the "fill-in the form" methodology of Hitchcock as teaching "receiving an indication of a desired form to be generated for data input; automatically identifying one or more data input fields to be included on the desired form, the automatically identifying including:", the Office is attempting to point to Bernardo's web tools methodology for the teaching of, "requests subsequently submitted via a form resulting from the desired form" without showing how one of skill in the art would have known to take the "desired form to be generated" (contended as being taught by Hitchcock) and to implement the teaching of Bernardo with (contended by the Office to teach) "requests subsequently submitted via a form resulting from the desired form". This is not merely correcting a deficiency in the primary reference but instead combines the two independent teachings without a showing that the teachings actually would result in the recited subject matter. Instead of simply correcting a defect in Hitchcock by inserting a teaching from Bernardo, the Office apparently is trying to sew together Hitchcock (filling out forms)/Bernardo (website creation tools) in order to arrive at the recited subject matter and does not discuss how Bernardo's website creation tools would have to be modified to deal with "automatically identifying one or more data input fields to be include on the desired form".

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The Office's approach appears to be counterintuitive as the Office would have us believe that the form "filling-in" of Hitchcock should be applied with respect to the first two clauses and then implement the website creation teaching in Bernardo to arrive at a "requests subsequently submitted via a form resulting from the desired form" rather than creating a website via the Bernardo tools which includes forms in which data is shared. While the latter appears to be quite natural, the former only appears to be sound only if the Office is using present subject matter as a template. In short, the Office's contentions do not address how the website creation tools in Bernardo address the features of "wherein the business logic processes requests subsequently submitted via a form".

While the Office cited Bernardo, Col. 23, line 45 – Col. 24, line 31, as teaching "requests subsequently submitted via a form resulting from the desired form", the Office's position is incorrect as the passage is directed to discussing an approval tool for approving content created by "authorized content creators". Bernardo, Col. 3, lines 20-27. This is to say that the cited Bernardo tool is simply a method for routing the content created by a web designer to a person who approves the content. Bernardo, Col. 3, lines 20-27. In contrast, Claim 1 recites that "identifying, in the one or more interactions, one or more attributes that are not obtained by the one or more interactions elsewhere; and generating, after automatically identifying the one or more data input fields, a form definition including the automatically identified one or more data input fields". The cited passages of Bernardo do not teach or suggest these features because (at least) there

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is no "generating, after automatically identifying the one or more data input fields, a form definition including the automatically identified one or more data input fields" in Bernardo as the system is relying on web creators for the content. For at least the foregoing reasons, the pending rejection is improper.

Additionally, in Hitchcock data or user inputs are being supplied instead of "business logic processes requests". This is to say, that the combination does not teach or suggest processing requests, but instead discloses data to be input to the form. As a result, Hitchcock does not disclose "identifying one or more interactions associated with a business logic, wherein the business logic processes requests subsequently submitted via a form resulting from the desired form" because what is being "identified" in Hitchcock is data rather than interactions as is recited. In light of the foregoing, removal of the pending rejection is requested and allowance is solicited.

Applicant traverses the rejection of **Claim 2**, in-particular, the Office's citation of Hitchcock, Col. 21, lines 30-67 as teaching the features of Claim 2 are misplaced as the portion discloses XML tags defining the appearance of the text within the tags, rather than on "the data subsequent input via the data field" as is recited.

The rejection of **Claim 3** is improper as the Office's rejection is incorrectly premised on the assumption that the Hitchcock restriction is associated with input fields and not on the data being filled in. Hitchcock does not discuss the recited features because, for example, Col. 21, lines 30-67 (cited by the Office), is

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directed to describing a methodology for routing websites to be approved to approval authorities which fails to identify "for each of the one or more input fields, one or more restrictions" as contended by the Office.

In addition, while Hitchcock is concerned with promulgation data in a form the presently recited subject matter is related to generating the desired form itself instead of just filling in common data between different branded forms as in Htichcock. Hitchcock, Col. 1, lines 59-62. In light of the foregoing, removal of the pending rejection is requested and allowance is solicited.

With respect to the pending rejection of **Claim 4**, the Office's contention that Hitchcock teaches "identifying one or more interactions associated with a business logic" and "identifying, in the one or more interactions, one or more attributes that are not obtained by the one or more interactions elsewhere" is improper as the cited passages of Hitchcock are not directed to determining attributes associated with interactions related with the business logic, but instead focus on if the entered or filled-in data is within parameters. In light of the foregoing, removal of the pending rejection is requested and allowance is solicited.

Claims 5 and 7-9 either directly or indirectly depend from Claim 1 and therefore, are allowable based on the same rationale. Removal of the pending rejection under 35 U.S.C. § 103(a) is requested and allowance is solicited.

The pending rejection under 35 U.S.C. § 103(a) of **Independent Claim 10** is improper and should be removed for at least the following reasons. Claim 10, in part, recites:

- "automatically identifying one or more restrictions associated with a data input field, the automatically identifying including:

  communicating with a business logic to identify the one or more restrictions, wherein the business logic processes requests which are subsequently submitted via a generated form, the communicating including identifying one or more processing interactions, wherein each processing interaction is associated with a request and includes one or more command definitions to process the request, and identifying, in the one or more processing interactions, one or more attributes that are not obtained by the one or more processing interactions elsewhere; and

- using, after automatically identifying the one or more restrictions, the one or more restrictions and the field to generate a text markup language form definition for use with the generated form."

Independent Claim 10, in part, recites: "automatically identifying one or more restrictions associated with a data input field". What is being identified is the restriction associated with a data input field and not whether "information submitted by the user on the form—request--, against requirements of the institution" as contented by the Office. Thus, the Office's contention is misplaced as the Hitchock/Bernardo teaching of whether the particularly entered data meets a

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criteria does not teach or suggest identification of a "restriction" which is associated with the "data input field". Take for example, the present detailed description, page 60, lines 20-28 which notes that what is being identified is the restriction (e.g., a maximum length restriction of 32 characters or a password length of 5 characters), rather than identifying if the entered data meets the restriction. In the latter case (as in Hitchcock), the returned information is not what the restriction is, e.g., 32 characters, but whether the input data is within that allowed by the Hitchcock form. In other words, Hitchcock does not identify the restriction, but instead (at best) checks "information submitted by the user" against the requirements of the institution. In light of the foregoing, removal of the pending rejection is requested and allowance is solicited.

Claim 12 is allowable based on its dependency from Claim 10. Claim 12 is further allowable over the art of record because the Hitchcock method fails to identify one or more restrictions. In Hitchcock the data within the field is simply tested to determine if the input data is valid rather than identifying one or more restrictions. Removal of the pending rejection is requested and allowance is solicited.

Claims 14-19 are allowable based on their dependence from Claim 10 which is believed to be in a condition for allowance. Claims 14-19 additionally recite features which are not disclosed in the art of record. Removal of the pending rejection is requested and allowance is solicited.

With respect to the remaining **Claims, 20-27, 29, 30 and 34-37**, the pending action does not, either generally or specifically, reject the foregoing claims under 35 U.S.C. § 103(a). As the pending 35 U.S.C. §102(e) rejection has been withdrawn, it is believed that Claims, 20-27, 29, 30 and 34-37 are in a condition for allowance, which is earnestly solicited. Applicant reserves the right to provide arguments, but no discussion is believed to be due as the Office has not indicated that the above claims are formally rejected under 35 U.S.C. § 103(a), 35 U.S.C. §102(e) or some other substantive section of the applicable U.S. Code. Applicant respectfully notes that the subject matter recited in the instant claims differs from that in the Claims specifically rejected under 35 U.S.C. § 103(a). As a result, Claims 20-27, 29, 30 and 34-37 are distinct from the features recited in the above claims. In light of the foregoing, allowance of Claims, 20-27, 29, 30 and 34-37 is solicited.

Conclusion

All of the claims are in condition for allowance for at least the above reasons. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,
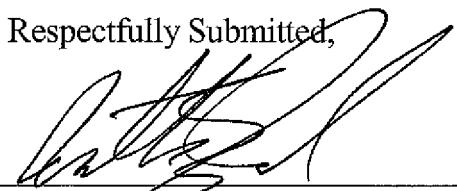
Dated: 12/c/07   By: _____

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